

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 18, 2000

DIVISION ONE

B129937 People (Not for Publication)
v.
Jackson, Jr., et al.

The judgments are reversed.

Aragon, J. (Assigned)

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B139267 People (Not for Publication)
v.
Braden

The judgment is affirmed, the sentence is vacated, and the cause is remanded to the trial court for resentencing. This opinion is final as of the date it is filed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and M. Gavinski, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B131883 People v. Mannery
B127700 People v. Moore & Howell
B131641 People v. West
B133884 People v. Black
B130758 People v. Jeter & Henry
B134516 People v. Garcia
B134456 People v. Gaines
B129621 Francine Browner, Inc. v. Oxford Fabric, Inc. et al

Argument waived, cause submitted.

B139018 Steve A. Filarsky
 v.
 Superior Court, Los Angeles County
 (City of Manhattan Beach, r.p.i.)

Merits:

Argued by Steve A. Filarsky for petitioner and by Robert V. Wadden for
real party in interest. Cause submitted.

B128739 Leslie Alvarado
 v.
 Knoll Pharmaceutical

Merits:

Argued by Steven J. Cooper for appellant and by Kathleen M. Vanderziel
for respondent. Cause submitted.

B118185 Arie Joffe
 v.
 Eliezer Appel

Merits:

Argued by Constantin Marcou for appellant and by Matthew S. Gibbs for
respondent. Cause submitted.

DIVISION THREE (Continued)

B137198 Lereve Hotel, LLC
 v.
 Grupo Costamex et al.

Merits:
Argued by Gina F. Brandt for appellant and no appearance by respondent.
Cause submitted.

B137137 Rosemarie Campbell
 v.
 Jonathan Lee

Merits:
Argued by Malcolm G. Ellis for appellant and no appearance by
respondent. Cause submitted.

B126659 Federation of Hillside & Canyon Association
 v.
 City of Los Angeles

Merits:
Argued by Lawrence Teeter for appellant and by Susan Pfann for
respondent. Cause submitted.

B128254 Edward Y. Politi
 v.
 County of Los Angeles

Merits:
Argued by Edward Y. Politi, appellant in propria persona, and by Francis E.
Scott for respondent. Cause submitted.

Court recessed.

DIVISION THREE (Continued)

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and M. Gavinski, Deputy Clerk.

Each of the following:

B132486 People v. Galvez
B134048 People v. Zamora
B130871 People v. Cox
B136235 People v. Dubner
B131011 People v. Fields
B133344 People v. Martinez
B135288 People v. Zurawski
B138421 People v. Hall

Argument waived, cause submitted.

B134465 People
 v.
 Audrey S. Okuma

Merits:
Argued by Katherine E. Greenebaum for appellant and by Hye Y. Yang for respondent. Cause submitted.

B136317 People
 v.
 Jose R. Hernandez

Merits:
Argued by Rene A. Ramos for appellant and by Reyna M. Tanner for respondent. Cause submitted.

DIVISION THREE (Continued)

B120381 Hovanesian & Hovanesian
 v.
 York, Morrissey & Woo

Order to Show Cause:

Argued by William Woo for appellant and by Ara Hovanesian for respondent. Cause submitted.

B131026 Mark P. Robinson
 v.
 David M. Harney

Merits:

Argued by John D. Rowell for appellant and by John W. Streeter for respondent. Cause submitted.

B136049 Susan Holman
 v.
 Rreef Corporation et al.

Merits:

Argued by Robert A. Philipson for appellant and by Tony Rodriguez for respondents. Cause submitted.

B140584 Richard Ziman et al.
 v.
 City of Beverly Hills

Merits:

Argued by Robert D. Crockett for appellants and by Mitchell E. Abbott for respondent. Cause submitted.

DIVISION THREE (Continued)

B127047 Rallie P. Rallis
 v.
 Ralph Cassady

Merits:

Argued by Richard D. Keys for appellant and by Baird A. Brown and
Douglas L. Thorpe for respondents. Cause submitted.

Court adjourned at 5:00 P.M.

DIVISION FOUR

B125410 McLaughlin (Certified for Publication)
 v.
 McLaughlin

The judgment is affirmed.

Vogel (C.S.), P.J.

I concur: Epstein, J.
I dissent: Curry, J. (Opinion)

DIVISION FIVE

B129271 People
 v.
 Dwayne Edward Dickson

Filed order denying petition for rehearing.

B132808 John A. Christenson et al.
 v.
 Ameriquet Mortgage Company

Filed order denying petition for rehearing.

July 18, 2000-Continued

DIVISION SIX

B137144 People (Certified for Publication)
v.
Martinez et al.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The clerk of the superior court is directed to amend the abstract to reflect credit for 304 days of actual custody and 46 days of conduct credit, for a total of 350 days. In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B137454 People (Not for Publication)
v.
Bendele, Jr.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

July 18, 2000-Continued

DIVISION SIX (Continued)

B133823 People v. Myart (Not for Publication)

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B129482 People (Not for Publication)
v.
Hymes

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B131902 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B134842 Martinez (Not for Publication)
v.
Anderson

Accordingly, pursuant to *Aktar*, the judgment of the trial court is reversed and this case is remanded with instructions to grant appellant's petition for a writ of mandamus ordering respondent to set aside its decision authorizing collection of food stamp overissuances received by appellant from August 1992 through January 1995.¹ Appellant is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B133799 People (Not for Publication)
v.
Pierce

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

¹ In light of this conclusion, we need not reach appellant's remaining issues concerning estoppel. These issues of first impression are better addressed in a case where the litigant actually stands to benefit from a favorable decision of this court, i.e., where overpayments are made after 1996. We do not agree the issues raised by appellant are likely to evade review. (See *United Farm Workers of America v. Superior Court* (1975) 14 Cal.3d 902, 906-907.)

July 18, 2000-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B133036 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B136493 People (Not for Publication)
v.
Brazier

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B136388 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Naeemah B.

The orders of September 7, 1999, September 17, 1999, and October 26, 1999, are affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B138438 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Deborah P.

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B136521 People (Not for Publication)
v.
Wheeler

The order of sentencing is reversed and the cause is remanded for a new sentencing hearing. During resentencing, the defendant shall be entitled to make a personal statement to the court, and counsel or appellant may personally present evidence in mitigation as to whether the court should reinstate probation and whether there are mitigating factors relevant to selection of a term of imprisonment. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B135867 People (Not for Publication)
B136245 v.
Hoffman

The order striking the prior convictions and that portion of the judgment imposing sentencing are reversed. The case is remanded to the trial court for resentencing in conformity with the views expressed herein. If the court exercises its discretion to sentence defendant as a second-strike offender, a written statement of reasons must be entered in the minutes. In all other respects the judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B133300 People
v.
Fernandez

Filed order denying petition for rehearing.